

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

WILLIAM MOATS, et al.,

Plaintiffs,

v.

CIVIL ACTION NO. 2:10-cv-01192

JAMES RUBENSTEIN, et al.,

Defendants.

ORDER

Before the Court is Plaintiffs' Complaint [Docket 7]. By Standing Order entered August 1, 2006, and filed in this case on October 7, 2010, this action was referred to United States Magistrate Mary E. Stanley for submission of proposed findings and a recommendation (PF&R). Magistrate Judge Stanley filed a PF&R [Docket 16] on March 11, 2011, recommending that this Court dismiss this civil action without prejudice because Plaintiffs do not wish to prosecute.

The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir.1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a de novo review when a party "makes general and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*,

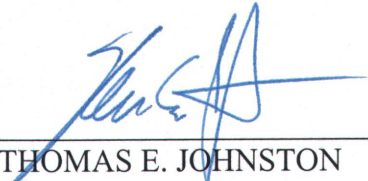
687 F.2d 44, 47 (4th Cir. 1982). Objections to the PF&R in this case were due on March 28, 2011. To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the PF&R [Docket 16], **FINDS** that Plaintiffs do not wish to prosecute, and **DISMISSES** this action without prejudice. A separate judgment order will be entered this day implementing the rulings contained herein.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: April 20, 2011

A handwritten signature in blue ink, appearing to read 'Thomas E. Johnston', is written over a horizontal line.

THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE